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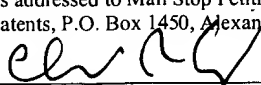
USSN: 09/603,727

Attorney Docket: SST-1070

Express Mail Label No. US 459417282 US

Express Mail" mailing number: **EV 459417282 US**
Date of Deposit: **June 9, 2006**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Charles R. Cypher

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Inventor: Lee W. MUELLER
Assignee: Simpson Strong-Tie Company, Inc.
Title: PRE-ASSEMBLED INTERNAL SHEAR PANEL
Serial No.: 09/603,727
Filed: June 23, 2000
Group Art: 3627
Examiner: CHILCOT, Richard E.
Docket No.: SST-1070

PETITION TO WITHDRAW HOLDING OF ABANDONMENT (UNDER 37 C.F.R. § 1.181)

PETITION TO ACCORD FILING DATE FOR EXPRESS MAIL CORRESPONDENCE RECEIVED BY P.T.O. (UNDER 37 C.F.R. § 1.10(e))

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

06/13/2006 NNGUYEN1 00000035 09603727

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Dear Sir:

Applicant hereby petitions to withdraw the holding of abandonment that has been imposed in this case. The fee for the petition under 37 CFR 1.181, as stated in 37 CFR 1.17(f) of \$400.00 is enclosed herewith. Applicant hereby also petitions to have the Patent Office accord the filing date for Applicant's correspondence filed on November 10, 2004 by Express Mail. Applicant believes that no fee for the petition under 37 CFR 1.10(e) is required. If this belief is in error, or the fees have been amended without Applicant's knowledge, Applicant authorizes the Commissioner to pay any

underpayment of fees or pay any additional fees that may be required by this paper by withdrawing them from Deposit Account No. 03-4075.

PETITION TO REMOVE HOLDING OF ABANDONMENT

UNDER 37 C.F.R. §§ 1.181 and 1.182

A Notice of Abandonment for this case was mailed April 10, 2006. This paper with these petitions is being filed within two months of receipt of the Notice.

Applicant's last communication to the Patent Office in this file was sent November 10, 2004. Applicant's communication on November 10, 2004 was a Request for Continued Examination, which was filed in response to the Notice of Allowance and Fee(s) Due, mailed August 10, 2004.

The Notice of Abandonment states that the application has been abandoned because of "Applicant's failure to timely file a proper reply to the Office letter mailed on 12 August 2005."

Applicant believes that it is improper to issue a Notice of Abandonment on this basis, as the Paper mailed by the Patent Office on August 12, 2005 was an improper action taken by the Patent Office, and further did not require a reply in order for prosecution of the Application to continue.

The Paper of August 12, 2005, states "The information disclosure statement filed November 10, 2004, fails to comply with provisions of 37 CFR 1.97, 198 and MPEP 609 because it lacks a statement as specified in 37 CFR 1.98(e)". The statement specified in 37 CFR 1.98(e) is a necessary requirement when Applicant has filed an information disclosure statement and failed to meet the requirements of 37 CFR 1.98(b). The statement under 37 CFR 1.98(e) relates to the time at which Applicant or the individuals designated in 1.56(c) received the information contained in the statement.

The request by the Patent Office on August 12, 2005, to comply with 37 CFR 1.98(e) was improper, because Applicant has complied with the requirements of 37 CFR 1.98(b) by submitting the Information Disclosure Statement with a Request for Continued Examination on November 10, 2004, as specifically set forth in 37 CFR 1.98(b)(4). The proof that Applicant filed the information disclosure statement referred to in the request of August 12, 2005 is set forth in detail below with respect to Applicant's Petition under 37 CFR 1.10(e) and is attached hereto as a copy of the papers filed on November 10, 2004.

Furthermore, no reply was needed by Applicant to the request of August 12, 2005, because had the papers been put in the file with the Request for Continued Examination, the Patent Office should have issued an Office Action on the Merits.

The only proper requirement in this file imposed by the Patent Office is the one of August 10, 2004, when the Patent Office allowed the application and issued the Notice of Allowance and Fee(s) Due.

Applicant timely responded to that request by filing a Request for Continued Examination with the necessary submission on November 10, 2004; paying the required filing fee of \$790.00 (check No. 11190); and authorizing the Commissioner to pay any underpayment of fees to Deposit Account No. 03-4075. Therefore, Applicant has timely responded to the Notice of Allowance and Fee(s) Due mailed on August 10, 2004, and this case should have been given to the Examiner to be examined.

Applicant respectfully requests that the Patent Office, on the basis of this petition, withdraw its holding of abandonment and accept and process the Request for Continued Examination that was timely filed on November 10, 2004.

Applicant would also like to note that in the request of August 12, 2005, the Patent Office stated that no copy of reference C30 was provided. Applicant is providing a copy of this reference along with all of the other references that were provided on November 10, 2004, with this paper. In fact this reference was provided on November 10, 2004, as is evidenced by the Express Mail number EV459414405 appearing on the paper. See the enclosed copy.

Also with respect to the request of August 12, 2005, the Patent Office stated that references C14, C31 and C32 did not have publication dates. With respect to reference C14, Applicant is unaware of the date when this was found on the internet as Applicant stated on November 10, 2004. Applicant provides this information to show the Examiner what Applicant believes to be the commercial embodiment of US Patent 6,298,612 which Applicant has already submitted in this file. With respect to reference C31, as this was a provisional patent application, it was never published, but as Applicant states in the Information Disclosure Statement mailed November 10, 2004, it was viewed by an employee of the assignee of the present application. Applicant also provides it in connection with the US patent granted thereon – US 5,870,870 which Applicant has supplied to the Examiner. With respect to reference C32, this is a drawing that has never been published. This drawing is meant to aid the Examiner's understanding of the prior art and in particular reference C27 as is stated in the Information Disclosure Statement submitted on November 10, 2004.

PETITION TO ACCORD FILING DATE FOR EXPRESS MAIL
CORRESPONDENCE RECEIVED BY P.T.O. (UNDER 37 C.F.R. § 1.10(e))

This application should still be pending as a Request for Continued Examination was timely filed on November 10, 2004. The Request for Continued Examination and its submission was mailed by the United States Postal Service utilizing its Express Mail service on November 10, 2004. Applicant respectfully requests that the Patent Office acknowledge that these documents were received on November 10, 2004.

Applicant believes that the papers submitted by Express Mail Service on November 10, 2004, have not been received because Applicant has received a Notice of Abandonment in this case. Applicant received the Notice of Abandonment on April 10, 2006. This petition is being filed promptly thereafter. 37 C.F.R. § 1.10(e)(1).

The following attached papers are those required by 37 C.F.R. § 1.10(e):

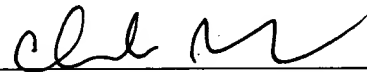
1. A true copy of the originally-deposited papers and fees: the Request for Continued Examination, the submission in the form of an information disclosure statement, form PTO/SB8A and the accompanying references. Applicant is not enclosing the full references again to avoid redundancy in the file; however, Applicant is including the first page of each reference. All but two of the enclosed copies of the references (the two being references C9 and C26) show that the first page of each of these references were stamped with the Express Mail number EV 459414405. Applicant would be most happy to forward any references to the Office, if so requested. The copies of the Request, the submission and form PTO/SB8A show that the Express Mail label was indicated on each paper.
2. A true copy of the returned Post Card showing receipt of these papers by the P.T.O.
3. A copy of the canceled check showing the date for the fee payment for this correspondence.
4. A true copy of the "Express Mail" mailing label showing the "date-in."
5. A true copy of the postal receipt for the Express Mailing, showing the date of deposit.
6. A true copy of the check used to pay for the Express Mailing service, showing the date of endorsement as November 10, 2004.
7. A statement by Charles R. Cypher on the basis of personal knowledge that the correspondence was originally deposited with the United States Postal Service on November 10, 2004, and that the attached copies are true copies of that correspondence and the mailing label accurately reflects the date of the filing of the correspondence.

In consideration of these submissions and explanations, it is respectfully requested that the holding of abandonment be withdrawn, and that the application proceed to examination on the basis of the Request for Continued Examination filed on November 10, 2004.

I, Charles R. Cypher, having been duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document or the instant application, I hereby declare that I am authorized to execute this document; that the facts set forth herein are true; that all statements made of my own knowledge are true; and that all statements made on information and belief are believed to be true.

Date: June 9, 2006

Signature: _____



Charles R. Cypher, Reg. No. 41,694
Law Offices of James R. Cypher
405 -14th St., Suite 1607
Oakland, CA 94612-2747
Tel: (510) 832-4111
Fax: (510) 832-4115
Customer no. 0498

Enclosures:

Transmittal Form (1 pg); Petition (5 pgs); Statement by Charles R. Cypher (1 pg); RRPC;

Copies the following documents dated and filed with the USPTO on November 10, 2004:

Express Mail Label No. EV459414405 US and USPS postal sales receipt;

Canceled check #11191 (\$27.30);

RRPC stamped by USPTO;

Canceled check #11190 (\$790.00);

Request for Continued Examination (RCE) Transmittal (1 pg);

Fee Transmittal (1 pg);

IDS dated (3 pgs);

IDS form PTO/SB/8A (3 pgs); and

1st pages of references A1-A15, B1, and C1-C32 (48 pps).



EV 459417282

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/603,727
	Filing Date	June 23, 2000
	First Named Inventor	Lee W. MUELLER
	Art Unit	3627
	Examiner Name	James A. KRAMER
Total Number of Pages in This Submission	Attorney Docket Number	SST-1070

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Transmittal Form (2 pp) <i>1 pp ch 6/2/06</i> <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (5 pp) <input checked="" type="checkbox"/> Statement by Charles R. Cypher (1 pg) <input checked="" type="checkbox"/> Return Receipt Post Card <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD Other Encls. Copies the following documents dated and filed with the USPTO on November 10, 2004: Express Mail Label No. EV459414405 US; USPS postal sales receipt; canceled check #11191 (\$27.30); RRPC stamped by USPTO; canceled check #11190 (\$790.00); Request for Continued Examination (RCE) Transmittal (1 pg); Fee Transmittal (1 pg); IDS dated (3 pps); IDS form PTO/SB/8A (3 pps); and 1 st pages of references A1-A15, B1, and C1-C32 (48 pps).	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Law Offices of James R. Cypher		
Signature	<i>[Signature]</i>		
Printed name	Charles R. Cypher		
Date	June 9, 2006	Reg. No.	41,694

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>[Signature]</i>		
Typed or printed name	Charles R. Cypher	Date	June 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Statement by Charles R. Cypher
in Support of Petition Under 37 CFR §1.10(e)

I, Charles R. Cypher, personally deposited the Request for Continued Examination, the Submission under 37 CFR §1.14, the Information Disclosure Statement, and the papers accompanying those documents as listed in the attached Express Mail Certificate on November 10, 2004, with an employee of the United States Postal Service as Express Mail Post Office to Addresses Service.

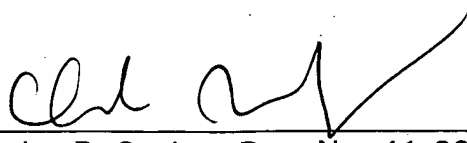
Evidence that I personally deposited these materials are my initials next to each listed document on the attached Return Receipt Post Card and the Express Mail Certificate mailed with those materials on November 10, 2004. Further evidence that I personally deposited these materials are my signature on the Return Receipt Post Card and on the Express Mail Certificate.

The copies of the correspondence deposited on November 10, 2004, the copy of the "Express Mail" mailing label, the copy of the Return Receipt Post Card, the official "date-in" notification on the "Express Mail" mailing label entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, Returned Receipt Post Card, and official notification entered by the USPS.

I, Charles R. Cypher, having been duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document or the instant application, I hereby declare that the facts set forth herein are true; that all statements made of my own knowledge are true; and that all statements made on information and belief are believed to be true.

Date: June 9, 2006

Signature:


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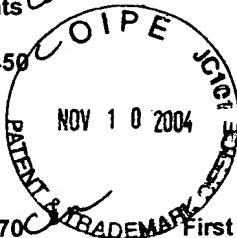
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Express Mail Label No.: EV 459414405 ✓



Atty File No. SST/1070 ✓ First Inventor: Lee W. MUELLER ✓
SN: 09/603,727 ✓ FD: June 23, 2000 ✓
Title: PRE-ASSEMBLED INTERNAL SHEAR PANEL

Please acknowledge receipt of the following by placing your stamp hereon and mailing:

1. Request for Continued Examination (RCE) Transmittal (1pg)
2. Fee Transmittal (1 pg)
3. Information Disclosure Statement (3 pgs)
4. Form PTO/SB/08 (3 pgs)
5. 48 Cited references ✓
6. Check No. 11190 for \$790.00 ✓

Date of Deposit: 10 November 2004 ✓
Law Offices of James R. Cypher, 405 14th St., Suite 1607, Oakland, CA 94612-2747 ✓

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DATE 11/10/2004

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PATENT & TRADEMARK ATTORNEY
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OAKLAND, CA 94612
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Request ~~EXT~~ and file IDS

Title: PRE-ASSEMBLED INTERNAL SHEA

Inventor: ~~LEE W. MUELLER~~ *Lee W. Mueller on 11/10/04*

PN: 09/603,727 GD: 7-23-2000

FD: 6-23-2000 on 11/10/04

Memo SST/1070

Ch R Cypher

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